Juvenal, *Satire* 16: Fragmentary Justice

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Our collection of Juvenal's *Satires* concludes with a fragmentary poem of only sixty lines that ends in mid-sentence. *Satire* 16 is probably just part of what was or was intended to be a much larger poem that treated a delicate issue in the second century, the Roman army and the advantages it enjoyed. Despite the intriguing subject matter, the poem has received little attention from scholars, who have directed their efforts toward the complete satires.[1]

The fragment has presented more than its share of difficulties. Today, however, we can set aside some of these problems, such as the question of authenticity, the satire's problematic position in the corpus of Juvenal, and even the difficulty of the satire's abrupt ending, for we now have acceptable solutions from which we can work.[2] The time has come to examine the contents of the satire and to take advantage of recent Juvenalian scholarship on the other satires in order to understand what the author intended in this poem. Previous examinations of *Satire* 16 have emphasized the military aspects. For instance, G. Highet found here an attack on military ambition, and, in a rather bold reconstruction of the lost portion of the satire, he

[1] See W. S. Anderson, "The Programs of Juvenal's Later Books," *CP* 57 (1962) 151.

[2] *Authenticity*: In late antiquity the authenticity of *Satire* 16 was rejected: *Ista a plerisque exploditur et dicitur non esse Iuvenalis, Scholia in Iuvenalem vetustiora*, ed. P. Wessner, (Leipzig 1967) 233–34. In the nineteenth century the poem was included among the spurious works; see O. Ribbeck, *Der echte und der unechte Juvenal* (Berlin 1865) 71–72. The satire, however, has been defended as Juvenal's on grounds of language and style by P. Ercole, "La satira 16 di Giovenale," *Athenaeum* 8 (1930) 346–60, and we may assume today that the poem is genuine. See also G. Highet, *Juvenal the Satirist* (Oxford 1954) 287–88, n. 4.

Textual problems: In some manuscripts this poem precedes the fifteenth satire. See J. L. Perret, *La transmission du text de Juvenal* (Helsinki 1927) 65; R. Beer, *Spicilegium Iuvenalianum* (Leipzig 1885) 47; U. Knoche, *Die Überlieferung Juvenals* (Berlin 1926) 27; G. Highet, "Housmaniana," *CW* 67 (1974) 367–68, n. 11.

The satire's abrupt ending: some scholars have supposed that Juvenal simply did not finish *Satire* 16, e. g., Knoche 27, and P. de Labriolle, *Les satires de Juvénal* (Paris 1943) 325. But it is just as likely that the last folia of Juvenal's text were lost in late antiquity. See Highet, *Juvenal the Satirist* 287, n. 3, and L. Friendländer, *Friedländer's Essays on Juvenal*, trans. J.R.C. Martyn (Amsterdam 1969) 49–50. E. Courtney, *A Commentary on the Satires of Juvenal* (London 1980) 613, allows for either possibility, but he feels that Juvenal did not give the poem "its final polish."

assumed that this continued to be Juvenal's theme.[3] The aim of the present examination is to demonstrate how the work fits into the scheme of Juvenal's later books, where a change in the satirist's approach has been observed.[4] There is no need to reconstruct the lost portion of the fragment. Rather, we will seek to determine from the extant lines what Juvenal was setting out to satirize, in the hope that the general direction of that attack will become clear. We should not fail to note that certain aspects of the satire deal with civilians, even though the focus here is upon the army. In his recent commentary on Juvenal, E. Courtney has observed that *Satire* 16 as a whole represents the alienation of civilians from the army.[5] It remains to show how the disparate elements of military and civilian life work together within the satire to form a unified theme.

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The fragment of the satire can be divided into four sections with transitions that are unusually clear for Juvenal.[6] In the introduction (1–6) we find the satirist expressing a wish to join the army as he begins with a question put to Gallius (1–2): *Quis numerare queat felicis praemia, Galli,/ militiae?* Together with Gallius, the satirist intends to count the army's rewards and advantages; indeed the remaining portion of the satire unfolds by focusing upon these.

The very next sentence, however, is incomplete.[7] We do not know exactly how long the lacuna is, but the missing lines presumably contained some reference to the advantages and prizes accumulated by a recruit who attached himself to a camp that promised prosperity (2: *nam si subeuntur prospera castra*). When the text begins again Juvenal is ready to enlist as a trembling recruit (3: *me pavidum . . . tironem*), but he curiously insists that the time of his enlistment be under a favorable star, for the period of

[3] Highet (above, n. 2, *Juvenal the Satirist*) 154–60; for Highet's reconstruction see pp. 288–89, n. 6. M. Durry, "Juvénal et les prétoriens," *REL* 13 (1935) 95–106, points out that Juvenal takes his advantages of the army actually from the pretorian guard, although it is clear that the attack applies to the military as a whole. Highet and Durry have been the only scholars to deal with the literary content of *Satire* 16.

[4] Highet (above, n. 2, *Juvenal the Satirist*) 138; Anderson (above, n. 1) 145–60; L. I. Lindo, "The Evolution of Juvenal's Later Satires," *CP* 69 (1974) 17–24, esp. 17, notes 1 and 2.

[5] Courtney (above, n. 2) 613.

[6] After the proemium (lines 1–6), each paragraph begins with a transitional sentence calling attention to the advantages of the army:

v. 7: *commoda tractemus primum communia, . . .*
v. 35: *praemia nunc alia atque alia emolumenta notemus . . .*
vv. 51–52: *solis praeterea testandi militibus ius / vivo patre datur.*

See also Courtney (above, n. 2) 613.

[7] Since O. Jahns' edition (Berlin 1851) the lacuna has been noted. The editions of U. Knoche (Munich 1950) and W. Clausen (Oxford 1959) show the lacuna.

good fate is worth more than a letter on his behalf from Venus or Hera to Mars (3–6).

Juvenal has immediately established in the proemium two conspicuous advantages of the military that are important for the subsequent examination of army life. First, there are allusions to fortune and astrology. The military is lucky (1: *felix*) and the camp itself promises good fortune (2: *prospera castra*). Enjambement emphasizes Juvenal's stipulation that a favorable constellation accompany his enlistment (3–4: *secundo / sidere*). The time of a well-disposed fate (4: *fati . . . hora benigni*) [8] has been taken as a reference to contemporary astrological notions. The accumulation of ideas concerning fate and good fortune introduces the military as a truly rewarding occupation and the soldier as a very lucky fellow indeed. But, at the same time, the satirist has exaggerated his praise of the soldier's good luck in the hyperbolic claim that fortune and fate are more vital to military success than a letter of recommendation to Mars by Hera or Venus. The effect is an ambivalent view of soldiering, one which, in fact, will hold for the rest of the fragment. The prospects of becoming a lucky recruit are undermined even at this early stage in the poem. Juvenal has created a tension between the ideal of the fortunate soldier and the soldiers who will subsequently be held up for mockery.

Secondly, in the proemium Juvenal's perspective on the lucky army suggests, almost misleadingly, the course he will follow in treating the subject. It is a stance of false admiration that is thoroughly ironic, and through it Juvenal leaves the impression that he is going to provide an evaluation of the army's advantages from a civilian's perspective. Neither he nor Gallius is a member of the army, but both are presented as lowly civilians who admire and count the army's prizes (*praemia*). At this stage, the prizes are left undefined, but they will remain the focus of Juvenal's treatment and eventually they will come to mean something quite different from military rewards. In a military context *praemia* often denoted land grants to veterans in return for their services or a monetary award given upon a soldier's military discharge.[9] We are thus led to expect a satire on military virtue, specifically *felicitas*, and an enumeration of as many benefits that result from being a good soldier as Juvenal can muster.

A satiric distortion, however, comes in the first advantage (7–34), which Juvenal describes as "conveniences held in common" by soldiers (7: *commoda . . . communia*). The undermining of the military, begun at verses 5–6, is continued here with the solemn announcement that as a soldier you can attack and beat civilians with impunity (8–12). With mock

[8] J. Gérard, *Juvénal et la réalité contemporaine* (Paris 1976) 382, connects *Sat.* 16. 2–5 with 7. 194–201, as I shall do below.

[9] See G. Webster, *The Roman Imperial Army* (New York 1969) 257. The word *praemia* occurs later (35), where it is certainly not used in a strictly military sense. Here, as Courtney has observed (above, n. 2) 614, the term has a non-technical meaning.

admiration the satirist insists that this particular advantage is not the least of the army's privileges (7–8). In his compact description of a beating, Juvenal dwells upon the brutal details: the civilian will not dare to show to the praetor his knocked-out teeth, his swollen face, and his one remaining eye that the doctor gives no promises of regaining sight (10–12).[10]

Juvenal's vivid scene of the beaten civilian suggests that the first reward of military service is the privilege of exercising cruelty with total impunity. He accentuates the threat to civilians by pointedly describing the soldier's boots and leggings (14; 24–25). Indeed, if we can believe Umbricius' complaint in the third satire (248), to have a hobnail stuck in one's toe by a soldier's boot was not an uncommon experience in the streets of Rome. Just how far Juvenal is exaggerating any real encounters between soldiers and civilians is not in question for the thrust of the passage. The satirist is intent upon emphasizing the brutality identified with the first military advantage. His perspective on that advantage is one of a threatened civilian who suffers from the actual privileges that soldiers enjoy.[11]

What is the defenseless civilian to do when he is attacked by a soldier? If he decides to press charges against the soldier, he must present his case before a centurion, a type of individual known for crudity and intimidation.[12] The judge will be an "Illyrian boot," again a menacing symbol of impersonal cruelty.[13] Besides the physical punishment, the civilian must appear, not in a civil court, but in a military camp, where he will be tried under the ancient laws of the army and according to the *mos Camilli*, a legal practice that purported to keep soldiers within their camp for trials (15–17). The assumption is that Juvenal here is alluding to a contemporary law that forbade soldiers to be away from their standards.[14] Indeed, one of the

[10] This particular passage is sometimes cited as evidence for the cruel treatment of civilians by Roman soldiers. Webster (above, n. 9) 261–66, summarizes some complaints against the army's brutality, taken mostly form the provinces in the fourth century. Actually one of the earliest references to soldiers' brutality is this passage of Juvenal. A later story of a fight between a civilian and a soldier is told by Apuleius, *Meta.* 9. 39–42.

[11] Juvenal's perspective of a threatened civilian is further seen in his form of address in the satire. He begins by addressing Gallius as soldier in the second person singular (8: *te*), but this perspective is shifted to that of a civilian, still in the second person singular (24: *habeas*), and the civilian's viewpoint is maintained throughout the fragment.

[12] See Persius, *Sat.* 3. 77–85, 5. 189–91, concerning the brutal nature of centurions. Juvenal's claim here that the civilian must appeal to a centurion raises questions of legal procedure. Usually the civilian would make his appeal to the *praetor urbanus*, who would appoint a judge. Juvenal is the only authority who indicates the judge could be a centurion. See Courtney (above, n. 2) 615.

[13] Vv. 13–14: *Bardaicus iudex datur . . . calceus . . . .* See J.E.B. Mayor, *Thirteen Satires of Juvenal* (London and New York 1888) 402–403, and de Labriolle (above, n. 2) 327: "Les Bardaei étaient un peuple illyrien, et ce seul nom évoquait l'idée de brutalité." See also Courtney, (above, n. 2) 615–16.

[14] *Dig.* 22. 5. 60; see Highet (above, n. 2, *Juvenal the Satirist*) 287, n. 1; B. d'Orgeval, *L'Empereur Hadrien: oeuvre legislative et administrative* (Paris 1950) 87, 348–51; L. Friedländer, *D. Junii Juvenalis Saturarum Libri V* (Leipzig 1895) 595; Courtney (above, n. 2) 616.

satirist's points is that the soldier will not be *procul a signis* (17), whereas the civilian will be *procul . . . ab urbe* (25).[15] To the injured civilian thus the army's advantage resides in a freedom to show cruelty and in a possible trial in a military court where the outsider will be threatened by a legal system of a foreign environment.

In spite of the prospect of an unfair military trial, the injured civilian, here presented as an interlocutor, expresses a naive faith in justice, even going so far as to claim that the centurion's judicial examination will be most just (17–18: *"iustissima centurionum / cognitio est igitur de milite"*).[16] He cannot fail to gain revenge for his injuries, provided a fair case is put forward (18–19: *"nec mihi derit / ultio, si iustae defertur causa querellae"*). The satirist's reply is much less naive, however. The whole affair is a lost cause and worth "only the heart of Vagellius, the declaimer," and so it is silly to strike against so many boots and hobnails while you still have two legs (22–25). Under circumstances like these no one would be such a faithful Pylades as to accompany his injured friend to a military camp, and we may as well not trouble our friends by asking them to come to the trial as witnesses (25–28). To be sure, anyone who steps forward when the judge calls for witnesses is worthy of the ancients (29–32). Juvenal concludes the discussion on the first advantage (32–34):

> citius falsum producere testem
> contra paganum possis quam vera loquentem
> contra fortunam armati contraque pudorem.

In the first advantage the satirist has gone out of his way to represent an army composed of brutal soldiers whose good fortune is now defined in terms of the abuse of tradition and power. The ancient laws and military customs have been preserved (16: *servato*) to work only to the soldier's devious benefit. It is wasted effort to argue, even with truth on your side, against the soldier's fortune and honor (34: *fortunam . . . pudorem*). The manner in which Juvenal has juxtaposed these two qualities reflects the divergent directions of his satire. They represent the advantages of being a soldier but they are seen from the viewpoint of the civilian's disadvantage. The soldier's fortune and honor strike fear into civilians, thereby making truth in court an impossibility and preventing them from testifying on behalf of a friend.

[15] Courtney (above, n. 2) 617–18, takes *tam procul . . . ab urbe* (25) as a joke: the praetorian camp would in fact be just outside Rome; if Juvenal has in mind here only the praetorian guard, then the remark should be seen as an excuse from the defendant's friend.

[16] Vv. 17–18 present a troublesome textual problem. At 18 *etsi agitur de milite* has been proposed and defended. See R. R. Kilpatrick, "Two Notes on the Text of Juvenal: *Sat.* 12. 32 and 16. 18," *CP* 66 (1971) 114–15; J. P. Sullivan, "A Note on Juvenal 16. 18," *CP* 79 (1984) 229. D. R. Shackleton Bailey, "Juvenal 16. 18," *CP* 81 (1986) 60–61, however, has argued for the reading in Clausen's Text, *est* † *igitur* †*de milite*. Schackleton Bailey says that the *iustissima . . . cognitio* (17–18) should not be taken as a compliment of the centurion and rejects *etsi* at v. 18, which would indicate that centurions could try cases not involving soldiers.

The soldier's advantage has an adverse effect upon civilians. It has rendered civilians helpless and it has destroyed the bonds of true friendship in hard times, such as that symbolized by Pylades (26). The implication in verses 20–28 is that the centurion will work in the military court to support the brutality of soldiers (20): *tota cohors tamen est inimica.* While soldiers have thus banded together in a manipulation of their traditions and legal system and in their animosity toward civilians, the rest of society is fragmented and does not have the advantage of unity found in the army. This appears to be the common advantage (7) now possessed by the military, but not enjoyed by other members of society. The result is that the brutality of the army has extended indirectly into civilian life and the perversion of the military has debased Roman society as a whole.

In the next section of the poem (35–50), Juvenal announces that he will deal with various emoluments accruing from the military oath soldiers have taken (35–36). The word *sacramentum* (36) as a metonymy for military service attracts our attention. Having just concluded that soldiers make truth in a court impossible, Juvenal produces a quick jibe at the military oath. The satirist passes over the army, however, and anticipates the legal complications that would hamper his trial, if he were to prosecute someone for stealing land, removing a boundary stone (38: *sacrum . . . saxum*), or for not repaying a loan. Each of the hypothetical trials is civil and perhaps not of great consequence to other people, the state, or community. But to Juvenal the trial would have great significance and even religious overtones. We see his personal involvement when he states that the stone has been piously kept in order by proper sacrifices, and we are to assume that its removal would constitute to him a sacrilege (38–39).[17] This is, at any rate, not a hopeless case presented before a military court and it is certainly worth more than the cheap declamation of Vagellius' prosecution. We find that Juvenal has gone to the trouble of hiring a lawyer and makes his appearance in court (46–47).

Yet complications arise. Instead of the case being prosecuted immediately, Juvenal complains, he would have to wait an entire year before the matter came to court (42–43). Even when it gets this far there will be a thousand delays and troubles (43–44), some of which are outrageous enough that any hope of justice is dashed. For instance, once in court the plaintiff must wait while the pillows are positioned correctly on the bench, while Caedicius, an eloquent lawyer, removes his cloak, or while Fuscus, the opposing advocate, answers the call of nature (44–47).[18] Finally, when the

[17] Juvenal's worship of the boundary stone recalls Ovid's description of the sacrifice to Terminus (*Fasti* 2. 639–84). The penalty for removing such stones was increased by Hadrian; see Courtney (above, n. 2) 618.

[18] Courtney (above, n. 2) 620, understands *Fusco iam micturiente* (46) to mean that "Fuscus realises that he will have to stay in court for some time and is taking the precaution of going to the lavatory beforehand." I would see the force of *iam* as indicating that Fuscus, like the other lawyer Caedicius (45–46: *iam facundo ponente lacernas / Caedicio*), uses his call to nature as an

trial does get underway, it begins with all the mock severity of a gladiatorial contest. Juvenal and his opponent "fight on the sticky sand of the forum" (47). We are not given the outcome of the trial. Rather, Juvenal goes on to make the point that, in contrast to dilatory civilian courts, soldiers suffer no such protracted trials in their legal procedures (48–50):

> ast illis quos arma tegunt et balteus ambit
> quod placitum est ipsis praestatur tempus agendi,
> nec res atteritur longo sufflamine litis.

Juvenal has spent the major portion of his account of the soldier's second advantage describing his own case and the trouble he can expect to find in court. The brunt of his attack lands upon civilian courts, especially the lawyers with their delaying tactics. The criticisms of the legal profession here are reminiscent of *Satire* 7. 105–49, where Juvenal decries the uselessness of eloquence (see especially lines 135–49). The requisites for an advocate were costly—a shining ring, eight servants and ten assistants—but eloquence was dispensable (7. 140–43). This view of lawyers implies that the legal profession has been reduced to showmanship. In the sixteenth satire the legal system again suffers from a lack of substance. Although Caedicius is eloquent (45), the portrait of his ritual removal of his cloak ridicules an inappropriate interest in rhetorical *actio*, a kind of showmanship that delays, rather than promotes, the process of justice. Even less promising for obtaining justice is Fuscus' exit to the toilet, an action that essentially reduces eloquence in the law courts to obscenity. Juvenal leaves the impression that Caedicius and Fuscus are more interested in such absurd actions than in the substance of the case or justice for their clients.

Although the last paragraph (51–60) is incomplete, it is possible to determine its general direction. On one level, Juvenal sets out to attack the army as affording an opportunity for wealth and promotion. The passage begins with a statement that soldiers alone have the right of making a will while the father is still alive (51–52: *solis praeterea testandi militibus ius / vivo patre datur*). The purpose for this beginning is partly to create the absurd situation of Coranus, apparently a young recruit who is earning money in the army (55: *aera merentem*). In a complete role reversal, Coranus' father, "trembling with old age," pursues his own son's legacy

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excuse for delay. Certainly the point that Juvenal is making is that civilian lawyers are dilatory. The frustration of enduring a civilian trial is thus expressed through the *iam . . . iam*. It is not so much that the legal preparations of Fuscus include micturition, as it is a case of an obscene *para prosdokian* which adequately expresses the frustration of the satirist, here representing himself as the participant in the trial.

(55–56). The criticism of the military is obviously aimed at the perversion of military tradition into a means of gaining wealth.[19]

On this same level, military promotion is criticized. The attack is expanded rather suddenly by means of the demonstrative pronoun *hunc* (56) as the only indication that the topic is extended: "a fair partiality (*favor aequus*) promotes this man (Coranus) and renders its own recompense for good labor" (56–57). "Fair partiality" is an arresting oxymoron that becomes ironic by virtue of Juvenal's continued stance of mock admiration. The idea of partiality continues in the association of wealth with promotion in the next sentence, where Juvenal claims that a general will see to it that a brave soldier is also the most wealthy (58–59). There is then mention of the soldier's bosses and necklaces (60), but these are the last words of the poem. We may imagine that the sentence concluded with something to the effect that soldiers flaunt themselves and prance around in rich ornaments, displaying their rank and wealth.

A second level is also evident in this attack on military rank and wealth. Juvenal is not just criticizing the army, nor is he solely interested in the inheritance laws that soldiers enjoyed. Just as the satirist has been an outside observer of the army and just as he has carefully implied that the advantages of the military work to the disadvantage of civilians, so here too Juvenal means to focus attention on his fellow citizens. It is for soldiers alone (51: *solis . . . militibus*) that the law of inheritance creates convenience. The clear implication is that civilians do not enjoy such a privilege.

Juvenal's mention of the law of inheritance may help us in putting *Satire* 16 into perspective. The Roman army of the pre-Flavian period enjoyed special privileges of making wills while the father remained alive, but these privileges came from a special dispensation of the general and were not the issue of codified law.[20] According to *Digest* 29. 1. 1–14, however, the emperor Nerva granted special indulgence toward soldiers' rights of inheritance, and Trajan followed suit by providing the same advantages.[21] Juvenal had thus seen in his own lifetime the creation of a law that was designed for "soldiers alone," and we may take the implied exclusion of civilians from the law as partly responsible for arousing the satirist's ire.

[19] The criticism of military life as a means of becoming wealthy parallels Juvenal's earlier attack at *Sat.* 14. 189–98.

[20] J. A. Crook, *Law and Life of Rome* (London 1967) 22. See also d'Orgeval (above, n. 14) 87.

[21] *Dig.* 29. 1. 3–4: . . . *divus Nerva plenissimam indulgentiam in milites contulit: eamque et Traianus secutus est* . . . . In all fairness to Trajan, however, this measure was taken to simplify the lives of soldiers and to accommodate their simplicity (29. 1. 10–14): *simplicitati eorum consulendum existimavi.* See also Friedländer (above, n. 14), pp. 599–600, and Courtney (above, n. 2), p. 621, for other allusions to Roman law.

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As we have seen in the discussion of the last advantage, Juvenal's attack operates on two levels. An interpretation of *Satire* 16 must consider these levels, the one focusing upon the army's privileges, the other upon the unfortunate status of civilians. Surely, one of the features of the poem is the extent to which the satirist draws attention to the Roman citizenry. This is seen most clearly in his account of the second advantage (35–50), where the privilege of an unencumbered trial as enjoyed by soldiers is not in question. Here Juvenal does not really attack the military and its advantage of a quick trial. It would be strange indeed for the satirist or anyone else to suggest that there is some inherent evil in finding swift and uncomplicated justice. At this point, rather than criticize the military, Juvenal launches into an attack upon private lawyers and the civilian legal system for failing to provide to citizens the same convenience as is offered to soldiers. In other words, the soldier's advantage is used merely as a foil for emphasizing the unfortunate state of civil courts (48–50). Juvenal is saying that there is a failure in civilian society. In the second advantage the fault lies in civilian lawyers and civil courts, which are dilatory and unresponsive. At least as far as this passage is concerned, there is no direct link between what is wrong in civil society and the perverted advantages of soldiers. This emphasis upon civilian society in the second advantage merits special attention, for it indicates that the scope of Juvenal's attack is much wider than has previously been noted.

Elsewhere in the fragment the criticism of civilian society is not so direct as in the second advantage. Nevertheless, it is present. For example, Juvenal claims that a civilian cannot expect protective friendship when he must make a complaint in a military court against a soldier (25–28). It is now no longer possible to expect that a witness will stand up and speak the truth on a friend's behalf (29–34). Such faults can be understood as an oblique criticism of a society that has been intimidated by the threats and brutality of Roman soldiers. Another instance of indirect criticism is the passage in which Coranus' father makes a fool of himself by pursuing his soldier son's legacy (54–57). What is wrong here is that, instead of the usual situation in which a younger man pursues an older person's legacy, we have just the reverse. Here again the real villains are not the citizens so much as the soldiers, who are making money and enticing civilians, excluded from the army's wealth, into becoming fools. The army of the satire thus has the effect of perverting civilian society and reversing roles of father and son.

Both the direct and indirect criticism of civil society suggest that Juvenal means to examine Roman society as a whole in *Satire* 16. It is true that the view of society presented here is oversimplified, for the satirist makes the obvious division of Romans into soldiers and civilians with the military enjoying all sorts of conveniences while normal citizens suffer

misfortune. This dichotomy is maintained throughout the fragment by the open conflict between soldiers and civilians (7–34), by the two contrasting legal systems (35–50), and by the law that excludes everyone in society except soldiers (48–50). The contrast is of course presented to us by means of the army's privileges and examples of good fortune. In short, Juvenal has created the type of soldier who will be what the civilian is not: *felix*.

We can now understand better Juvenal's technique of making the army into such a propitious, but perverted and cruel, occupation. We began with the fortunate army (1–2) and the expectation that Juvenal intended to treat somehow military virtue and luck. As a military quality *felicitas* was required of generals and was evinced in battle by such situations as a commander's personal appearance on the field to bring success.[22] In the satire, however, Juvenal deals with good fortune in a twofold manner which is unexpected. First, he has changed the military ideal into something grotesque. This was accomplished immediately in the description of the first advantage by Juvenal's definition of good fortune as the ability to mistreat civilians. Secondly, the soldier's fortune has been expanded beyond the scope of the military ideal to include what properly should belong to the realm of a civilian's good fortune. This second step is seen in the passage where Juvenal claims that only soldiers can receive swift justice (48–50). Normally such a convenience should not be viewed as any special privilege of one sector of society, but rather as a civil right belonging to all citizens.

Another and more specific example of this second step is the reference to the brave soldier as *felicissimus* (59). The word occurs in a context of opulence that creates tension for it as a military ideal. The point is that soldiers are becoming wealthy and that the general will strive to make the brave soldier "the richest." Again one would assume that the acquisition of wealth belongs to the civil sector of society and not to the military, especially not to the Roman army. But the army of Juvenal's satire is perverted and so is its value of *felicitas*. Good fortune thus does not mean just military fortune, but it also includes the acquisition of wealth and even such harmless pursuits as obtaining a fair and unencumbered trial.

Good fortune was viewed by Juvenal as an elusive quality. While the satirist is by no means consistent on the subject, one idea from the other satires stands out as particularly relevant for the mock admiration of military benefits. In the seventh satire Quintilian is presented as an abundantly fortunate man (7. 190–93: *felix . . . felix . . . felix orator*), and there follows a passage reminiscent of the proemium of *Satire* 16, since Juvenal claims that fate determines good fortune (7. 199–201). But, we are warned, fate is not often kind and a fortunate man is rarer than a white crow (7. 202). Good fortune and happiness thus are presented as something out of reach.

[22] See L. Zieske, *Felicitas. Eine Wortuntersuchung* (Hamburg 1972) 41 ff., on *Sulla Felix* (see also 310), and H. Erkell, *Augustus. Felicitas. Fortuna. Lateinische Wortstudien* (Göteborg 1952) 45–47, concerning Cicero, *Man.* 47–48.

When such a rare phenomenon of good fortune can be found in the army, civilians (in this case, Juvenal and Gallius) can only marvel at the army's advantages over themselves. Of course, the ideal of fortune that Juvenal is establishing here is hardly fair and just, but it is typical of the satirist to twist and undermine such ideals. The contrasts in Roman society become even more painful when the ideal of good fortune is found to be so elusive.

The conspicuous differences between the lucky soldier and the unfortunate civilian are ultimately a matter of inequity in society. It is, therefore, the theme of justice and injustice that provides a unity for what remains of the satire. This is partly seen in Juvenal's use of law, litigation and the courts. The first two advantages center around trials in court, civil or military, and the third benefit begins with the law of inheritance. Recurrent words that represent all levels of justice draw attention to themselves throughout the fragment, and the reader constantly has the image of legal proceedings in such words as *iudex* (29), *legibus* (15), *litiget* (16), "*da testem*" (29), *lites*, *litis* (42, 50), and *testandi . . . ius* (51).[23] The allusions to military law at verses 51–54 also point to Juvenal's interest in developing the theme of justice.

The attack on injustice develops in several directions, as for example in the antithetical motifs in which law is pitted against might and fairness against partiality. The army, perverted as it is, represents the primary destroyer of justice, for soldiers are above civilian law and restraint. Military justice is in no way connected with truth as spoken by a civilian witness in the law court (32–34). Further, Juvenal is careful to point out that soldiers' disregard for truth and justice is a benefit derived from their brute force. Military fortune is viewed as that of an armed man (34: *fortunam armati,* or else soldiers are depicted as those "whom arms protect and the sword belt encircles." Because they bear arms, soldiers can obtain justice on their own terms in their own law courts and they can enjoy uncomplicated trials. Soldiers have thus banded together in a common advantage (7) in order to thwart justice and to create their own standards of equity in the form of intimidation. Their brutal behavior toward civilians partly equates the soldiers' force with justice and reduces the question of equity to armed might.

On a wider level, soldiers' misuse of power also entails an unfair manipulation of law for their own benefit (15–17; 51–54) and the subversion of justice by having partial judges (17–19). One cannot really expect that a centurion's legal judgment concerning one of his own soldiers will be "most just" (17), even if the complaint is well founded. Rather, the soldier's judge and centurion will be partial to his own side in court. The same favoritism shown by the centurion in litigation is carried to a more

[23] Also: *iustissima . . . cognitio* (17–18), *ultio* (19), *iustae . . . causa querellae* (19), *vindicta* (22), *testem* (32), *vana supervacui dicens chirographa ligni* (41) (see also *Sat.* 13. 137), *subsellia* (44), *tempus agendi* (49), *res* (50), and *testandi . . . ius* (51).

general level by the "fair partiality" of verse 56. Juvenal here touches upon a concern that appeared earlier in the *Satires*. For him military justice represents a helplessness on the part of ordinary Romans to find justice in society. A similar situation of helplessness in the face of injustice appeared in *Satire* 3. 297–99, where a poor Roman citizen, who is likewise beaten, cannot appeal to Roman authorities, because he himself might be threatened by a lawsuit.[24]

In the last advantage Juvenal has moved to examples outside the law courts. Here freedom from litigation meant that a soldier did not even have to enter court to make his will. It also meant that a soldier would not labor in vain and could perhaps gain some personal fortune. *Labor* occurs twice in the last paragraph (52, 57), and it is clear both times that soldiers do not live the frustrated life of civilians. One is reminded again of the third satire, where Umbricius complains that, although he was honest and hard working, in Rome he could not enjoy the advantages of labor (3. 22: *emolumenta laborum*). The unfairness suffered by civilians here is completely the reversal of soldiers' good fortune, which is enhanced either by the law of inheritance or a general's favoritism. The two Roman concepts of justice, *iustitia* and *aequitas*, are thus both represented in the satire, the one in the concrete idea usually associated with litigation and the other in the abstract concept of equity in society.

The civilian, weak in comparison to soldiers, therefore, cannot find justice in society. Justice is an elusive and unrealistic goal before a military court. Almost as bad is the quest for justice in a civilian court. Where justice ought to be the supreme consideration, it is delayed and is reduced to a mockery of showmanship by civil lawyers. Besides suffering injustice from the army and lawyers, Juvenal's civilian also has no protector who as general can establish laws for the citizen's benefit. It is a bleak picture, and the fragment leaves us with civilians caught in an unjust world where there is no hope of being as fortunate as the soldier. Perhaps, as Juvenal moved from the concrete examples of injustice in the Forum to the abstract idea of equity in society, he intended to move to a resolution of the problem. But this cannot be supported by anything other than speculation, and it is better, however grim the picture, to maintain Juvenal's representation of the problem.

Whatever the final outcome was, Juvenal is here dealing with an ethical problem that goes beyond the scope of military life. Other scholars have

[24] See J. Adamietz, *Untersuchungen zu Juvenal*, Hermes Einzelschriften 26 (Wiesbaden 1972) 72–73, who saw a connection between *Sat.* 16 and 3 through the idea of "Rechtlosigkeit." F. Bellandi, *Etica diatribica e protesta sociale nelle Satire di Giovenale* (Bologna 1980) 52, likewise found a connection between the maltreatment of civilians by soldiers and that of the citizen of Rome in *Sat.* 3. The specific passage that seems to parallel *Sat.* 16 is 3. 297–99:

> dicere si temptes aliquid tacitusve recedas,
> tantumdem est: feriunt pariter, vadimonia deinde
> irati faciunt.

argued that in Juvenal's later satires there is an increased concern for abstract issues of a broad nature. For example, E. S. Ramage has demonstrated that in the twelfth satire Juvenal was treating the question of friendship.[25] S. C. Fredericks has observed that the fifteenth satire deals with the problem of man's inhumanity to man.[26] Both scholars have also shown that Juvenal develops his themes via such concrete circumstances as Catullus' shipwreck in *Satire* 12 or Egyptian cannibalism in *Satire* 15. The last poem we have of Juvenal follows a similar pattern in that the satirist attacks injustice in Roman society by means of the Roman army as his subject.

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[25] E. S. Ramage, "Juvenal, *Satire* 12: On Friendship True and False," *ICS* 3 (1978) 221–37.
[26] S. C. Fredericks,"Juvenal's Fifteenth Satire," *ICS* 1 (1976) 174–89.